IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

Taken up WRIT PETITION No.9404 of 2005

Between:

Naseem, W/o. Dawlat Khan,
R/o. 19-3-262/A/13/85, Shaik Ki Masjid Mustafa Nagar,
Ansari Road, Hyderabad.

..... PETITIONER

AND

1 The Superintendent , Cherlapally Jail, Ranga Reddy District.
2 The Inspector General of Prisons, Andhra Pradesh,

Hyderabad.
3 The Director General Of Police, Hyderabad.
4 The Secretary to Government of Andhra Pradesh,
Home (Police) Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, direction, or a writ, more particularly one in the nature of Writ of Mandamus to call for records and remarks from the Respondents herein relating to the serious illness of the Petitioner's husband, Viz., Dawlath Khan, S/o. Dilawar Khan, who is confined in Cherlapally Jail, and is seriously suffering from kidney, heart and other ailments and to pass appropriate orders directing the Respondents Authorities herein to take proper care and proper treatment of ailments of the

husband of the Petitioner herein, Viz., Dawalath Khan and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner :LETTER

Counsel for the Respondents : G.P. FOR HOME

The Court made the following :

ORAL ORDER: (Per Hon’ble Sri Justice B.Sudershan Reddy)

The affidavit filed by the Superintendent, Central Prison, Cherlapally, Ranga Reddy district, reveals certain interesting aspects about the petitioner’s husband, Dawlath Khan, who is undergoing life imprisonment since 15-03-1985. The petitioner’s husband was released on parole on 12-08-1989 for a period of 14 days and he was due to surrender on

27-08-1989, but he did not surrender. On the other hand, the Chandrayanagutta Police apprehended the petitioner’s husband on 12-02-2004 after overstaying for 14 years 5 months and

15 days and was accordingly re-admitted in the Central Prison, Hyderabad. Thereafter, he was transferred to Central Prison, Cherlapally, on 16-02-2004.

While the petitioner’s husband was being sent to Osmania General Hospital, Hyderabad, on 08-03-2004 for the purpose of medical examination, he escaped from the escort party and later, on 15-03-2004 he surrendered himself before the Afzalgunj Police Station and a case was accordingly registered under Sections 224 read with 75 of Indian Penal Code in

FIR No.196 of 2004 on the file of learned IV Metropolitan Magistrate, Hyderabad. He was admitted in the Central Prison, Hyderabad, on 15-03-2004 and sent back to Central Prison at Cherlapally, Ranga Reddy district, on 16-03-2004.

It is further stated that the petitioner’s husband is not suffering from any serious

ailment. We do not find any substance or truth in the telegram issued by the petitioner, which is a frivolous one. The writ petition fails and shall accordingly stand dismissed.

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B.SUDERSHAN REDDY, J.

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C.V.RAMULU, J

29-04-2005

bsc

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintendent, Cherlapally Jail, Ranga Reddy District.
2 The Inspector General of Prisons, Andhra Pradesh,

Hyderabad.
3 The Director General Of Police, Hyderabad.
4 The Secretary to Government of Andhra Pradesh,
Home (Police) Department, Secretariat, Hyderabad.

5. 2 CCs to Govt. Pleader for Home, High Court buildings,

Hyderabad (OUT).

6. 2 CD copies

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